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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,780	03/16/2000	Edward O. Clapper	INTL-0359-P1-US (P7596X)	1757

7590 11/18/2003

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EXAMINER

PATEL, NITIN

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 11/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/526,780

Applicant(s)

CLAPPER

Examiner

Nitin Patel

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-10 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6-9,18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290).

As per claims 1,18 Brusky shows a wireless peripheral for a receiver having a housing; only one keyboard defined in the housing, the keyboard having a pair of wireless interfaces that transmit wireless signals directed at sufficiently spaced angles with respect to one another to enable signal (In Fig.1 element 70 and three IR emitters) and receiver to receive signals 9In Fig.1 element 10 and In Col.2 lines 40-57).

Brusky does not show providing a different functionalities depending on the orientation of the housing. Bartlett shows different functionalities with orientation with the housing (In Abstract and In Col.3, 4). It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to allow the teaching of Bartlett's into device of Brusky's because it would have determine a series of position commands that correspond to the series of orientations of the device.

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As per claim 6, Brusky shows a controller connected to a keyboard 9In col.2 lines 51-57).

As per claims 7,8,19 Brusky shows wireless interfaces are infrared and angled sufficiently that one signal is detected by a receiver (In col.2 lines 45-47 and In col.3 lines 10-25).

As per claim 9, Brusky shows the interfaces are at an angle of 45 degrees (In fig.1).

3. Claims 10,20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al., (U.S. Patent No. 6,111,569) in view of Bartlett (U.S. Patent No. 6,347,290) in further view of Henty (U.S. Patent No. 6,094,156).

Neither Brusky nor Bartlett shows a keyboard has at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface is aligned with the receiver. Henty shows keyboard has at least two different orientations such that the keyboard is arranged to a user in each of the orientation that a different one of the interface be aligned with the receiver (in fig.1a, 1b, 2a and In fig.5a, 4,5b and In Col.3 lines 10-67 to col.4 lines 1-67). It would have been obvious to one of ordinary skill in that art, at the time of the invention was made to allow the teaching of Henty's into combined system of Brusky's and Bartlett's because it would have activated only one function on a receiver that match the functionality of the transmitter that would not have inadvertently activated other device or function on a receiver.

***Response to Arguments***

4. Applicant's arguments filed 08/25/2003 have been fully considered but they are not persuasive.

Applicant's argument that Brusky does not teach different functionality that distinguished each other, Examiner disagree with this arguments in fact the Brusky's reference shows three different IR interface that select three different devices via interface if it does not select one of the device than by interface than by all different interface only one device could be selected s if a VCR or audio system or a TV could be selected by a different functionality of the signal so it does have different functionality t distinguished the device in order to select.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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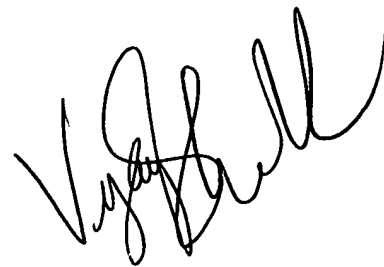
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9618.

NP  
November 17, 2003



**VIJAY SHANKAR  
PRIMARY EXAMINER**